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|-------------------------------|-----------------|----------------|--|
| <b>Notice of Allowability</b> | Application No. | Applicant(s)   |  |
|                               | 09/949,999      | KANAI, MASASHI |  |
|                               | Examiner        | Art Unit       |  |
|                               | Peter Prizio    | 2674           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment received 06 December 2004.
2.  The allowed claim(s) is/are 1-40.
3.  The drawings filed on 27 March 2002 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

HENRY N. TRAN  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. Applicant's remarks and amendment received 06 December 2004 has been entered. Applicant's amendment overcomes the prior art of record and places the application in condition for allowance.

#### ***Allowable Subject Matter***

2. Claims 1 – 40 are allowed.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

4. All of the independent claims 1, 2, 12, 13, 15, 24 and 34 were amended to contain the limitation of "shifting said tone reproduction characteristic in a dark surround in parallel so that said tone reproduction characteristic in a dark surround takes the same value as said tone reproduction characteristic in an illuminates surround at a middle input tone Do of input image data." As stated in the examiner interview mailed herewith, applicant's attorney contends the middle input tone Do is a predetermined reference point near a middle gray value. Thus none of the prior art of record teaches a method of providing a correction to the tone reproduction curves by shifting in parallel a tone reproduction curve of a dark surround such that it takes the same value of a tone reproduction curve of an illuminated surround at a reference point Do, which is near a middle gray scale.

5. The closest prior art is US Patent 6,480,202 to Deguchi et al. which discloses that a tone reproduction curve of a dark surround and that of an illuminated surround take the same value at a maximum point (Fig. 11B) and then a correction curve is generated (Fig. 11C). Thus is not shifted in parallel to where each curve takes the same value at a middle input tone Do as recited in the present application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Prizio whose telephone number is (571) 272-7699. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Prizio  
Examiner  
Art Unit 2674

Prizio  
April 14, 2005

*PP*

*Henry N. Trau*

HENRY N. TRAI  
PRIMARY EXAMINER